

Notice of Allowability

Application No.

10/010,810

Examiner

Catherine Simone

Applicant(s)

TROLL, MARK

Art Unit

1772

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment, filed 10/25/04.
2. ☒ The allowed claim(s) is/are 1-6,75-85,87,89 and 91-93.
3. ☒ The drawings filed on 13 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1/6/04
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ted Leitereg on 1/6/04.

The application has been amended as follows:

Cancel claims 86, 88, 90 and 94

In claim 81, lines 1-3, delete "comprising: (a) solid component and (b) a liquid composition interfaced therewith" and insert "according to claim 1"

In claim 85, lines 1-3, delete "comprising: (a) solid component and (b) a liquid composition interfaced therewith" and insert "according to claim 1"

In claim 87, lines 1-3, delete "comprising: (a) solid component and (b) a liquid composition interfaced therewith" and insert "according to claim 1"

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The closest prior arts of record fail to teach or suggest the recited liquid composition having a refractive index that is substantially equal to that of the solid component for a device. Independent claim 1 identifies the uniquely distinct features of the liquid composition being selected from the group consisting of "(i) saturated cyclic compounds being selected from the group consisting of oxygen substituted

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cyclic compounds and cyclic compounds comprising more than one ring, (ii) benzene substituted with one or more fluoro groups or substituted with one or more electron-donating groups attached directly to the ring and one or more fluoro groups attached to the ring or to the electron-donating groups, and (iii) a combination comprising one or more of benzene or substituted benzene and at least one of an alkane or substituted alkane having a boiling point less than about 130°C wherein the substituted benzene is substituted with one or more fluoro groups, fluoroalkyl groups or alkoxy groups.” The closest prior arts of record, Attridge (USPN 5,166,515), Becker et al. (USPN 5,382,985), Fouquet et al. (USPN 6,324,316), Myer et al. (USPN 6,532,319) and Troll (USPN 6,377,873), each disclose a device comprising a solid component and a liquid composition interfaced therewith having a refractive index that is substantially equal to that of the solid component, which either singularly or in combination, fail to anticipate or render obvious the above limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAS
Catherine Simone
Examiner
Art Unit 1772
January 6, 2005

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

1/7/05